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CITY OF ATTLEBORO, MASSACHUSETTS
DEPARTMENT OF PLANNING AND DEVELOPMENT
GOVERNMENT CENTER, 77 PARK STREET
ATTLEBORO, MASSACHUSETTS 02703
TEL 508.223.2222 FAX 508.222.3046

GARY G. AYRASSIAN
DIRECTOR OF PLANNING AND DEVELOPMENT

SALVADOR A. PINA
COMMUNITY DEVELOPMENT DIRECTOR

STEPHANIE C. DAVIES
SENIOR LAND USE PLANNER

LEE FULLER
CONSERVATION AGENT / ENVIRONMENTAL PLANNER

June 11, 2009

Executive Office of Energy and Environmental Affairs
Attention: Secretary Ian A. Bowles
100 Cambridge Street, Suite 900
Boston, MA 02114

RECEIVED

JUN 16 2009

MEPA

**RE: Densely Developed Area Application
City of Attleboro, Massachusetts**

Dear Secretary Bowles,

The City of Attleboro has been working in concert with the Southeastern Regional Planning and Economic Development District to petition the EOEI for the designation of a Densely Developed Area (DDA) in downtown Attleboro. As such, please find attached a petition packet for DDA Designation on behalf of the City of Attleboro. Included in this submission are the following items for your review:

- A completed EOEI application form,
- documentation of the Conservation Commission's concurrence,
- documentation of the Planning Boards Concurrence,
- proof of newspaper advertisement for the public hearing
- a written narrative of the proposed DDA including a description of the area, a boundary description as well as a land use inventory,
- the Assessor's maps depicting boundaries of the proposed DDA and the perimeter of the 200-foot Riverfront Area,
- an aerial photograph of the proposed DDA, and;
- a current zoning map of the proposed DDA,

If there are any questions, feel free to contact me at 508-223-2222 x3145.

Sincerely,

Lee Fuller
Conservation Agent/Environmental Planner

Cc: Mayor Kevin J. Dumas

**PETITION FOR DENSELY DEVELOPED AREA (DDA) DESIGNATION
In Accordance with the Rivers Protection Act**

I. SUMMARY INFORMATION

- a. Municipality(ies) City of Attleboro
- b. 2000 Population 42,068
- c. 2000 Population Density 1,532 per square mile
- d. Watershed Ten Mile River
- e. Abutting River(s) Ten Mile River
- f. DDA Boundaries

The proposed DDA comprises an area of downtown Attleboro generally running along both the eastern and western banks of the Ten Mile River. The area is a heavily developed commercial, industrial, and residential portion of downtown Attleboro bisected by the Ten Mile River, which flows southerly through the center of the City. The proposed DDA includes the area bounded generally on the north by Hayward Street and North Main Street; on the east by South Main Street, the Amtrak/MBTA railroad tracks, Olive Street, and Ellis Street; on the South by Lamb Street and Thatcher Street; and on the west by John Williams Street, John Williams Street, Summer Street, Robert Street, Sadler Street, East Fourth Street, County Street, Riverbank Road, and Hodges Street.

g. Contact Person

Name: Lee Fuller Organization/Title: **Conservation Agent/
Environmental Planner**

Street: Government Center, 77 Park Street

Municipality, State, Zip Code: Attleboro, Massachusetts 02703

Phone: (508) 223-2222 x 3145 Fax: (508) 222-3046

E- mail: conservation@cityofattleboro.us

For EOE Use Only

Date Received: _____ Date Noticed in Environmental Monitor: _____

Date Determined Complete: _____ Reviewer: _____

II. AUTHORITY FOR PETITION

a. By vote of the municipality's legislative body? Yes No

If yes, type of legislative body:

Town Meeting Town Council
 City Council Other (specify _____)

b. Through a municipal official, with concurrence of the planning board and the issuing authority?
 Yes No

If yes, issuing authority (in accordance with the Wetlands Protection Act):
 Conservation Commission Mayor Selectmen

If yes, dates of:

Public Hearing April 1, 2009
Public Notice March 17, 2009
Planning Board Vote April 6, 2009
Issuing Authority Vote April 1, 2009

III. DESCRIPTION OF PROPOSED DDA

a. Total Acreage 126.45

b. Acreage of Eligible Activity(ies)

1. Industrial: 69.379

2. Business: 39.828

3. Residential: 17.240

c. Acreage within the 200 foot riverfront area 64.37

d. Non-intensive uses

- 1. Less than one contiguous acre in size? x____ Yes ____ No
- 2. Less than 10 percent of the proposed DDA? x____ Yes ____ No
- 3. Outside the 200 foot riverfront area? x____ Yes ____ No

IV. PLANNING CONSISTENCY

Describe how this proposed DDA is consistent with Executive Order 385, Planning for Growth.

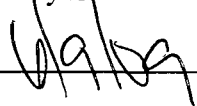
The proposed DDA is consistent with the goals set forth in Executive Order No. 385 Planning for Growth. The proposed DDA will be located in the heart of Attleboro in areas that are serviced by adequate existing infrastructure such as municipal water and sewer services and a network of improved roadways (Section 1). In addition, the proposed DDA will encourage development within previously developed areas of Attleboro that are still suitable for economic reuse (Section 5). With the adoption of the proposed DDA, property owners will be better suited to undertake economic development projects with the knowledge that the riverfront area requirements will only apply to the first 25 feet of their property along the riverbank. In this manner, redevelopment goals can be achieved while resource areas are still protected (Section 3).

Certification of Municipal Official. I attest under the penalties of perjury that the foregoing information and accompanying information are true and complete, to the best of my knowledge.

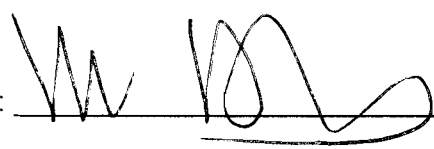
Name: Kevin J. Dumas

Title: Mayor

Date: _____



Signature: _____





City Of Attleboro, Massachusetts

CONSERVATION COMMISSION
Government Center • 77 Park Street
Attleboro, Massachusetts 02703
508-223-2222 • Fax 508-222-3046

CERTIFICATE OF VOTE

June 11, 2009

Elizabeth Shockroo, City Clerk
Office of the City Clerk
Government Center
77 Park Street
Attleboro, MA 02703

RECEIVED
CITY OF ATTLEBORO
CITY CLERK
09 JUN 11 AM 9:44

RE: DENSELY DEVELOPED AREA PETITION

Dear Ms. Shockroo:

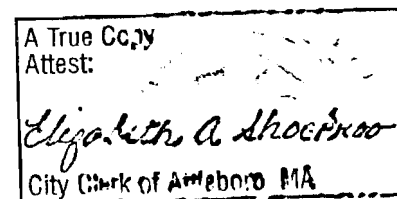
This is to certify that during the Conservation Commission meeting held on Monday, April 1, 2009, the Conservation Commission voted unanimously (5 Yeas, 0 Nays and 2 Absent) in the affirmative in support of the Mayor's petition for the Densely Developed Area.

Thank you for your attention to this matter.

Sincerely,

Lee Fuller
Conservation Agent

**Conservation Commission
Minutes
April 1, 2009**



Members Present: Chairman Bruce Hagerman, John Marth, Joe Hobin, Gary Sadler, Mike Janickie, Conservation Agent Lee Fuller, and Asst. Conservation Agent Katherine Foley.

Members Absent: Vice-Chairman Eric Prive and Ron Koback.

6:42pm

Appointment to Speak:

Margaret Philbrook – 36 Fisher Avenue hear to discuss the limit of disturbance on her property as well as get guidance on what she needs to do.

Conservation Agent Lee Fuller explains the site and the general requests.

Margaret Philbrook hands out the approved plans what have modifications on them. She states that it says she has to contact the commission before she starts. There is an issue with the placement of the shed, the left side of the 10x14 slab is falling apart and the right portion there is no issue. She is suggesting moving the shed over to that area of the concrete slab. She also says that they are taking a notch of the lawn area, it is the highest point. She says they would like to fence in that area for the dogs and to keep the kids out, this will make it a clear defined area, she would like it to be more defined. She also wants to help with moving debris; the professionals do not know what to do with it. They can't go into the wetland to remove things; it is a no disturbance area. Her neighbors are also worried about punishment from the dumping. She says she would like more clarification and understanding. She would also like a fence in the front yard to reduce trash from the street in her yard.

John Marth asks if it is a potential vernal pool or a certified vernal pool.

Conservation Agent Lee Fuller replies that it is potential.

Chairman Bruce Hagerman says he has no problem with the front yard changes. The fence is a change and moving the shed is encroaching into the wetland area.

Margaret Philbrook says that it is elevated and they don't want to remove the slab and harm the area.

Chairman Bruce Hagerman says he is typically fine with minor changes, but on the right side moving the fence in an issue; it is a major change. They are losing protected area with the fence.

John Marth says that it seems there needs to be more information on the plan. It is not a real dilemma they just need a better plan.

Margaret Philbrook says she is running into a dilemma when it comes to the professionals.

John Marth says the debris is to be moved by hand and recalls that the northern side had debris from the neighbors.

Conservation Agent Lee Fuller says there were posts placed in that area.

John Marth comments that he appreciated that she is trying to explain, but they really need more information.

Chairman Bruce Hagerman suggests that they might set up a site visit, especially to have the new members show up.

John Marth agrees that it would be good for the new members to go there.

Conservation Agent Lee Fuller suggests that they notify the abutters.

Margaret Philbrook says that the neighbors are ok with the fence, since most of them have dogs.

John Marth comments that they are there to deal with protection of the resource, there is no work usually ever allowed.

Conservation Agent Lee Fuller says that typically with restoration there is disturbance, but it is ok.

Chairman Bruce Hagerman says he would approve the change but they need to file for an amendment of their OOC.

Conservation Agent Lee Fuller comments an amendment to the state as well.

Margaret Philbrook says they are trying to solve the problems and would really like to get started.

Chairman Bruce Hagerman says that they need to work with the conservation agent to file and amendment to the local filing and OOC.

Margaret Philbrook says they she is ok with the changes; they just want to keep the areas separate.

7:05pm

Secretary John Marth makes opening comments and announcements.

The commission then heard New Public Hearings:

The Notice of Intent application of Frederick and Ann McKay for the construction of a garage with addition over the garage and an extension to the rear of the existing building, within the 100-

foot buffer zone to a bordering vegetated wetland, pursuant to the Massachusetts Wetlands Protection Act, located at 4 Kellcourt Drive, Assessors Map #134, Lot #1.

Ann and Frederick McKay are here to discuss her application.

Ann McKay says they are adding an addition to be able to bring her father into their home; they plan on extending an addition to the backyard.

Conservation Agent Lee Fuller says that property is on the corner of Tiffany Street and Kellcourt Drive. There is an intermittent stream in the backyard, but is actually more of a ditch. There is a fence actually running across it and the backyard has been maintained for years. They are planning a garage extension and an addition in the rear of the house. On the second page of the report the fourth photo shows the house from the stream. The addition is outside the 25-foot zone but access would be needed in the 25 foot for construction. He then read the comments that Vice Chairman Eric Prive sent him regarding the application.

Mike Janickie asks what the purpose of the fence was if the yard is mowed.

Conservation Agent Lee Fuller says it lets us take the opportunity to restore the “natural” state.

Chairman Bruce Hagerman asks if the commission permitted an addition at the other side of the property.

Conservation Agent Lee Fuller says he does not recall anything.

Mike Janickie asks if the only ditch only runs when the stream is high.

Conservation Agent Lee Fuller replies that there is quite a bit of flow.

John Marth says that this is a large addition. The house has a 1,000 sq ft footprint.

Ann McKay says that the in-law apartment will be at the bottom and they plan to remodel the kitchen.

Conservation Agent Lee Fuller say he wants the commission to be aware that a sketch plan was submitted, he figured they could request more information if there was more information needed.

John Marth says he will probably be ok with the addition. Placards or posts/fence for a buffer to the stream should be added.

Ann McKay says they may not be putting an 18-foot addition; it all depends on the quotes.

John Marth says it would be a pretty good idea to see the proposed addition area staked out and there should be a site visit.

Chairman Bruce Hagerman states that the site visit will be right before the next meeting on April 15th.

John Marth tells the applicant to stake out the corners of the addition.

Ann McKay comments that they mow up to the water and the other side.

Chairman Bruce Hagerman says they will go out at 5:30pm on April 15th and take a look, then come to the meeting.

Ann McKay asks for a continuance.

John Marth motions to continue until April 15th.

Joe Hobin seconds the motion and all voted in favor.

Certificate of Compliance:

155 Cumberland Avenue – Brant Bolliver – DEP # SE 97-976

Brant Bolliver and his wife are here to talk about their request.

Brant Bolliver says he would like to leave the land without a fence and asks them to read a copy of the letter he submitted.

Conservation Agent Lee Fuller explains the background and issues pointing them out on the plans.

Mrs. Bolliver asks why they asked for a fence in the first place.

Chairman Bruce Hagerman discusses the issues. They asked the builder to set aside an area to naturalize, possibly due to the new driveway.

Mrs. Bolliver asks again why put up the fence.

Chairman Bruce Hagerman says that area is all regulated; it's wetlands.

Brant Bolliver says he bought 3.6 acres and can now only use .6 of them with a fence.

Chairman Bruce Hagerman comments that they only wanted a split rail fence.

John Marth says that it is unfortunate that you are strapped with the issue, but the area should be left natural.

Conservation Agent Lee Fuller says the order of conditions was clearly recorded.

John Marth says that when they bought the house the attorney should have caught this.

Brant Bolliver says there was money in escrow in 2007, but now there is no more money.

Conservation Agent Lee Fuller says it was recorded, they should have caught it.

John Marth comments that they are not trying to make life difficult, but they would like to do what the commission at the time had asked for.

Mrs. Bolliver says you don't want us to go in that area.

John Marth asks if it is riverfront.

Mrs. Bolliver disagrees.

Conservation Agent Lee Fuller explains the terminology.

Mrs. Bolliver affirms that they pretty much can't use anything.

Brant Bolliver says they can subdivide and not pay taxes on it.

Joe Hobin says the attorney should have seen this.

John Marth asks if they were aware that there were wetlands on the property.

Mrs. Bolliver says that there are blue flags and they have not touched those areas.

John Marth comments that they need to look into these things.

Mrs. Bolliver says they where told certain things and what not to touch.

Chairman Bruce Hagerman says there is a 25-foot not cut area, this takes out the whole field.

John Marth comments that he would personally be upset at the title attorney.

Mrs. Bolliver says they went back and talked to him. The property was expensive.

Brant Bolliver says he can't plant trees and only can have shrubs.

John Marth says they can allow some things, but asking for that may need to be more formal.

Chairman Bruce Hagerman says they could allow 4x4 posts with placards. He suggests making an appointment with Lee to see where the trees could go. They should submit a plan with what they want and should not mow the lawn.

Mrs. Bolliver asks what they are asking for that and not just leaving it a meadow.

Chairman Bruce Hagerman says that this whole thing made the permitting process easier; there was a net benefit to the commission.

Brant Bolliver says he can't really understand.

Conservation Agent Lee Fuller says the title search was failed, that was a big problem.

Mrs. Bolliver says they will make up a plan to submit.

7:37 – Recess

Bill Napolitano from SRPEDD is here to present information regarding DDA material for the Conservation Commission and Planning Board's Review.

John Marth makes a motion to accept the mayor's application of the DDA (densely developed areas) presented this evening by Bill Napolitano, also to send a letter to the mayor showing our acceptance.

Mike Janickie seconds the motion and all voted in favor.

8:16 - The commission came back to order

396 Newport Avenue – Stephen Rollins/Infinity Homes, LLC – DEP # SE 97-1063 (Partial)

Conservation Agent Lee Fuller explains the site and partial request. He says that there seem to be no issues based on the review and it is out of our jurisdiction.

Chairman Bruce Hagerman says he is ok with it; the development has gone well.

John Marth motions to issue a partial certificate of compliance for lot 4.

Joe Hobin seconds the motion and all voted in favor.

General Business:

The Commission discussed the vernal pool outside of Wamsutta Middle School, it was recently certified by Gary Krofta.

John Marth motions to submit the March 18th minutes as revised.

Joe Hobin seconds the motion and all voted in favor.

Certificate of Compliance:

39 Derrick Drive – Robert and Jean St. Andre – DEP # SE 97-859

The applicant did not submit an as built plan.

John Marth motions to issue a denial for the request for certificate of compliance.

Joe Hobin seconds the motion and all voted in favor.

There was talk about the COC process with the new commissioners.

Gary brings up the idea of attaching the COC with the occupancy permit.
115 Cumberland Avenue – Brant Bolliver – DEP # SE 97-976

John Marth motions to deny the request for certificate of compliance based on the previous discussion and noncompliance.

Joe Hobin seconds the motion and all voted in favor.

Chairman Bruce Hagerman says he is ok with them putting in posts instead of the fence.

There was a general yes reply from the commission.

Conservation Agent Lee Fuller says the area behind the posts could be left to grow. They could possibly mow 2-3 times year and leave for box turtle/wood turtle habitat. He says that this may be a good compromise.

14 Heritage Drive – Janette Sears – DEP # SE 97-1006

This application was for a septic repair; there was a removal of fill and plantings with placards.

John Marth motions to grant the certificate of compliance based on the fact that they are in compliance.

Mike Janickie seconds the motion and all voted in favor.

Pending Business:

b. Transfer \$100 to the local account

John Marth motions to transfer \$100 from the local account to the supply account.

Joe Hobin seconds the motion and all voted in favor.

There was a brief discussion of officers.

c. Cottonwood Drive violation - #5 Cottonwood.

There was dumping in the vernal pool, people came in at the last meeting.
There was a discussion on what to do, a letter will be sent out.

d. Conservation Commission Web site

Needs and update

Could buy something to create one with administrative funds.

The commission was asked to take a look at it and comment on the site.

There was a suggestion of having a sample plan showing the lines of work (100 foot, 25 foot, no disturb, etc).

There was a discussion of open space workload and the land management plan booklet.

The meeting ended at approximately 9:07pm.



City Of Attleboro, Massachusetts

PLANNING BOARD
Government Center • 77 Park Street
Attleboro, Massachusetts 02703
508-223-2222 • Fax 508-222-3046

RECEIVED
CITY OF ATTLEBORO
CITY CLERK

09 APR -8 PM 3:09

pb

CERTIFICATE OF VOTE

April 8, 2009

Elizabeth Shockroo, City Clerk
Office of the City Clerk
Government Center
77 Park Street
Attleboro, MA 02703

RE: DENSELY DEVELOPED AREA PETITION

Dear Ms. Shockroo:

This is to certify that during the Planning Board meeting held on Monday, April 6, 2009, the Planning Board voted unanimously (6 Yeas, 0 Nays and 2 Absent) in the affirmative in support of the Mayor's petition for the Densely Developed Area. Additionally, the Planning Board directed the Planning Board Clerk to submit a letter to Mayor Kevin J. Dumas notifying him of the Planning Board's concurrence with his Densely Developed Area petition.

Thank you for your attention to this matter.

Sincerely,

Emily Witherell
Planning Board Clerk

A True Copy
Attest:
Elizabeth A. Shocron
City Clerk of Attleboro, MA

MINUTES

APRIL 6, 2009

In accordance with the provisions of the Massachusetts General Laws Ch. 40A and Ch. 41, as amended, the Planning Board held a meeting on Monday, April 6, 2009 at 6:30 p.m. in the Municipal Council Chambers, City Hall, 77 Park Street relative to the following.

Planning Board Members Present: Chairman Melinda Kwart, John Camara, Donald Berndt, Paul Danesi, Jason Gittle, and Scott Winkler

Planning Board Members Absent: Mark Cooper and Mary Poirier

The Board discussed the petition of Viridian Development, LLC for the proposed fifty-lot (52) preliminary open space residential development subdivision plan entitled "Viridian Meadows" located of Slater Street and Augsburg Drive.

The staff noted that the petitioner did not submit any new information. The Board tabled this matter.

The Board read the letter from Public Works Superintendent John Clover, dated March 26, 2009, recommending a bond amount of \$251,962.19 for the "Windwood Estates" subdivision.

John Camara made a motion to approve the bond amount of \$251,962.19 for the "Windwood Estates" subdivision. Jason Gittle seconded the motion. All voted in favor.

The Board read the letters from Shawn Jorde, dated March 20, 2009, requesting an extension of time to June 2010 to complete work at the "Windwood Estates" subdivision and dated March 20, 2009, requesting to speak with the Board during its meeting on April 6th regarding the bond amount associated with the "Windwood Estates" subdivision. The Board read the letter from Public Works Superintendent John Clover, dated March 26, 2009, recommending a bond amount of \$251,962.19 for the "Windwood Estates" subdivision.

Shawn Jorde of 526 Old Post Road, North Attleborough, MA appeared before the Board and stated that due to economic times, he is requesting an extension of time to June 2010 to complete the road work.

Mr. Danesi asked if this was his first request for an extension.

Mr. Jorde stated that he has not started the subdivision yet.

Planning and Development Director Gary Ayraasian noted that the subdivision is still under a covenant.

Mr. Gittle asked how long of a time extension he wants.

Mr. Jorde requested one (1) year.

Mr. Ayrassian noted that the Department of Planning and Development will sign-off on any building permits because the subdivision is secured by a covenant. He reminded the Board of the City Solicitor's urgency that the Board no longer release lots from a covenant despite any construction progressing at a subdivision. He noted that the Board refrain from releasing any lots until a bond is posted and the covenant released. Mr. Ayrassian recommended that the Planning Board grant the extension of time to July 3, 2010.

Paul Danesi made a motion to approve the \$251,962.19 bond amount recommended by Public Works Superintendent John Clover for the "Windwood Estates" subdivision. Jason Gittle seconded the motion. All voted in favor.

Mr. Jorde reminded the Board that it approved the bond amount about a month or so ago and stated that the bond amount reflects current construction material costs.

Mr. Ayrassian stated that that is accurate and believed that the amount was about \$250,000.00.

Jason Gittle made a motion to grant an extension of time to July 3, 2010 to allow Mr. Jorde to complete work at the "Windwood Estates" subdivision. John Camara seconded the motion. All voted in favor.

Mr. Jorde also stated that he received a letter from the Department of Planning and Development stating that his other subdivision, "County Road Estates", was over its completion timeline. He stated that he would like to submit a letter at tonight's meeting requesting an extension of time for that subdivision too.

Mr. Ayrassian stated that he spoke with Mr. Jorde's attorney, Jim Cassidy, and that attorney Cassidy stated that he wanted to meet at the site with him, Public Work Superintendent John Clover, and Mr. Jorde to develop a punch list of the remaining work.

Mr. Jorde stated that there's more than a punch list of items that needs to be completed.

Mr. Ayrassian advised the Board to table Mr. Jorde's letter requesting an extension of time for the "County Road Estates" subdivision until such time the Planning Office consults with the Public Works Superintendent to determine whether the existing bond needs to be increased.

Senior Land Use Planner Stephanie Davies asked if a binder course has been installed.

Mr. Jorde stated that it had been installed about a year ago.

The Board directed Planning Board Clerk Emily Witherell to write a letter the Public Works Superintendent and ask whether the bond amount needs to be increased.

With an appointment to speak was Bill Ward of Orion Realty, Inc. regarding the Restrictive Covenant for 204 and 214 North Main Street.

Bill Ward stated that he wanted to speak to the about the materials that he submitted to the Board that was outlined in Stephanie Davies letter.

The Board read the following letters – the letter from attorney David Manoogian, dated March 17, 2009, relative to the Orion Realty Company, Inc.'s Declaration of Restrictive Covenant for the property located at 204 and 214 North Main Street; the letter from and drawings from Bill Ward of Orion Realty Company, Inc., dated March 19, 2009, to Planning and Development Director Gary Ayrassian relative to the property located at 204 and 214 North Main Street; the letter from Senior Land Use Planner Stephanie Davies, dated March 20, 2009, to Bill Ward of Orion Realty Company, Inc. relative to the property located at 204 and 214 North Main Street; the memorandum from Bill Ward, dated April 3, 2009, to Senior Land Use Planner Stephanie Davies relative to the proposed improvements for the property located at 204 and 214 North Main Street; the letter Bill Ward, dated March 31, 2009, relative to the proposed improvements for the property located at 204 and 214 North Main Street.

Senior Land Use Planner Stephanie Davies stated that Mr. Ward submitted the documents to the Planning Office on Friday, including the \$75.00 filing fee check and the list of abutters

Mr. Ward stated that he could explain each of the documents if the Board wanted him to. He stated that he submitted the check, list of abutters, two copies of the elevation plan, complete drawings showing the structure, written narrative, color photographs, hand drawn plans to see what the property would look like in the future to scale and shop drawings.

Ms. Davies noted that ten copies of the existing conditions plan and the proposed plans were not submitted.

Mr. Ward stated that he submit the additional copies to the Planning Office tomorrow.

Mr. Gittle asked if the site plan was within the Planning Board's jurisdiction under the Restrictive Covenant.

Mr. Ayrassian replied yes. Mr. Ayrassian said that they Planning Board could make a decision of the materials, and then the forty-five days would start today.

Chairman Kwart stated yes.

The Board debated whether the materials that Mr. Ward submitted were complete and sufficient for purposes of triggering the 45-day time clock. Chairman Kwart noted that if that was the case, the 45-day clock would start tonight and the Board would have until sometime late-May to render a decision.

The planning staff felt that the materials that Mr. Ward submitted were complete and sufficient for purposes of triggering the 45-day time clock.

Jason Gittle made a motion for the 45-day time clock to commence on April 6th and to hold a public hearing on April 27, 2009. Donald Berndt seconded the motion. All voted in favor for the 45-day time clock to commence on April 6th and to hold a public hearing on April 27, 2009.

With an appointment to speak was Suanne Santos of Hayward-Boynton and Williams, Inc. and Tom Walsh regarding the "My Lady's Landing" subdivision.

Ms. Santos stated that the "My Lady's Landing" subdivision was approved back in 2007. She submitted a letter dated April 6, 2009 on behalf of Thomas Walsh asking the Board to consider amending the Certificate of Vote to allow the construction of a concrete sidewalk on the northwesterly side of Landers Road along the cul-de-sac to the proposed driveway on Lot 5. She stated that the remaining sidewalk area extending from the proposed driveway on Lot 5 to the point of curvature at the intersection with Berwick Road would be grass. She also asked the Board to modify the grass strip detail between the sloped granite curbing and the concrete sidewalk as per detail on the revised plan.

Mr. Gittle asked Ms. Santos to point out on the diagram where they are proposing not to install the sidewalk.

Ms. Santos pointed to the plan. She also noted in her letter that in consideration of the requested amendments, Mr. Walsh is willing to install granite curbing and a concrete sidewalk on the easterly side of Berwick Road along the full frontage of Builder's Lot #6, Builder's Lot #7, and Builder's Lot #8. She also stated that because the street pavement on Berwick Road abuts the property line of Builder's Lot #7 and Builder's Lot #8, Mr. Walsh will convey to the City of Attleboro an easement that will encumber the sidewalk on both properties for maintenance purposes.

Mr. Gittle asked who owns lot #7 and lot #8.

Ms. Santos said that Mr. Walsh owns lot #7 and lot #8. She stated that the curbing would be straight-faced granite curbing along Berwick Road. She stated that Mr. Walsh would also be putting in an irrigation system for within the grass strip.

Mr. Winkler asked Ms. Santos if she felt that the sidewalk was set far enough back.

Ms. Santos stated it is fine.

John Camara made a motion to modify the Certificate of Vote dated September 10, 2007 and the approved definitive subdivision plan entitled "My Lady's Landing," said premises being located off Berwick Road, more specifically Assessor's plat #41, lots #101 and #101A located in the Single Residence-D zoning district, surveyed by Brian J. Murphy, PLS of Hayward-Boynton & Williams, Inc., 178 North Main Street, Attleboro, MA 02703, drawn and engineered by Daniel M. Smith, PE of Hayward-Boynton & Williams, Inc., 178 North Main Street, Attleboro, MA 02703 dated March 30, 2007, revised through July 30, 2007 and thereby allow Mr. Walsh to construct a concrete sidewalk on one side of the Landers Road right-of-way, as shown on the plan entitled "Proposed Amendment to Sidewalk Detail of My Lady's Landing in Attleboro, Massachusetts", scale 1"=50', prepared for Thomas P. Walsh, prepared by Hayward-Boynton & Williams, Inc., 178 North Main Street, Attleboro, MA 02703, dated April 6, 2009 and further allow that the balance of the sidewalk area within the Landers Road right-of-way may consist of grass as shown on said plan dated April 6, 2009. Donald Berndt seconded the motion. All voted in favor.

John Camara made a motion to modify the Certificate of Vote dated September 10, 2007 and the approved definitive subdivision plan entitled "My Lady's Landing," said premises being located off Berwick Road, more specifically Assessor's plat #41, lots #101 and #101A located in the Single Residence-D zoning district, surveyed by Brian J. Murphy, PLS of Hayward-Boynton & Williams, Inc., 178 North Main Street, Attleboro, MA 02703, drawn and engineered by Daniel M. Smith, PE of Hayward-Boynton & Williams, Inc., 178 North Main Street, Attleboro, MA 02703 dated March 30, 2007, revised through July 30, 2007 and thereby allow Mr. Walsh to install the 1' and 9.5" wide grass strip between the sloped-faced granite curbing and the concrete sidewalk within the Landers Road right-of-way, as shown on plan entitled "Proposed Amendment to Sidewalk Detail of My Lady's Landing in Attleboro, Massachusetts", scale 1"=50', prepared for Thomas P. Walsh, prepared by Hayward-Boynton & Williams, Inc., 178 North Main Street, Attleboro, MA 02703, dated April 6, 2009 and that further, the subject grass strip areas shall be equipped with a charged underground irrigation system. Donald Berndt seconded the motion. All voted in favor.

John Camara made a motion to accept Mr. Walsh's offer to install granite curbing and a concrete sidewalk on the easterly side of Berwick Road. Donald Berndt seconded the motion. All voted in favor. Accordingly, the Board acknowledged that Mr. Walsh is obligated to install vertical-faced granite curbing and a concrete sidewalk on the easterly side of Berwick Road along the full frontage of Builder's Lot #6, Builder's Lot #7, and Builder's Lot #8; and that further, because the street pavement on Berwick Road abuts the property line of Builder's Lot #7 and Builder's Lot #8, Mr. Walsh is obligated to offer an easement conveyance to the City of Attleboro that will encumber the sidewalk on both properties for maintenance purposes. The Board further stipulated that the installation of the vertical-faced granite curbing and the concrete sidewalk shall comply with the construction specifications of the Department of Public Works, that the timeline to complete this work is subject to the provisions of Condition #31 contained in the September 10, 2007 Certificate of Vote, and that Mr. Walsh shall submit the appropriate sidewalk maintenance easement documents to the City of Attleboro contemporaneously along with other close-out plans and documents pursuant to Condition #36 and Condition #37 contained in the September 10, 2007 Certificate of Vote.

The Board read the letter from Planning and Development Director Gary Ayrassian, dated March 20, 2009, to Donald Venterosa of LTL Equipment relative to the "Milosh Acres" subdivision.

Mr. Ayrassian stated that Mr. Venterosa's attorney, Philip Macchi, called him and explained that Mr. Venterosa is very ill and that he would make an effort to have someone attend the Planning Board's meeting. Mr. Ayrassian noted that no one from Mr. Venterosa's team is here and he recommended that the table this matter this evening. He stated that he is working with the City Solicitor to figure out a course of action for the Board in advance just in case Mr. Venterosa does not complete the subdivision by the September 2009 deadline.

Speaking on the matter was Odette Grennon of 23 Laura Drive who stated that she saw on the Internet that Mr. Venterosa is selling the last 14 lots for \$750,000 and that he was seeking offers to have the road completed by others. She asked if LTL Equipment has the right to do that.

Mr. Ayrassian stated yes and that the buyer would inherit entire obligation to complete the subdivision.

Mr. Berndt asked if Mr. Venterosa had pulled any building permits.

Senior Land Use Planner stated that the staff has not signed-off on any building permits recently at the direction of the Planning Board.

Mr. Ayrassian stated that in his letter to Mr. Venterosa, he did not want to push him too hard so as to alienate from his responsibly considering the subdivision is under covenant.

Mr. Gittle asked what happens when Mr. Venterosa's deadline comes and the subdivision is not completed.

Mr. Ayrassian stated that the Planning Board would have to step in. He stated that the Board would likely hold a public hearing and then perform on the performance guarantee. He stated that that is the reason why he and Stephanie are meeting with the City Solicitor now so that if September 2009 rolls around and the subdivision is not complete, the Board will have all the information it will need to take the proper steps. He stated that instead of waiting until September 2009 to do the due diligence, the staff is doing it now so the Board can hit the ground running if the situation arises.

Mr. Danesi asked what are the City Solicitor's options for the Board.

Mr. Ayrassian stated that the City Solicitor is outlining three options and that he should have the letter in a day or two.

The Planning Board requested Planning Board Clerk Emily Witherell to contact Mr. Venterosa's attorney and to invite him to the next Planning Board meeting.

Conservation Commission's public hearing on April 1, 2009 at 7:30 p.m. relative to the designation of a Densely Developed Area.

John Camara made a motion to vote in favor of the Mayor's petition for the Densely Developed Area. Scott Winkler seconded the motion. All voted in favor to vote in favor of the Mayor's petition for the Densely Developed Area.

Paul Danesi made a motion to approve the minutes of January 20, 2009 and February 2, 2009. Jason Gittle seconded the motion. All voted in favor.

The Board tabled the minutes of February 23, 2009 and March 17, 2009.

The Board scheduled an Ordinance Committee meeting on April 27, 2009 at 5:30 p.m.

The Board tabled the proposed draft amendments to the Board's RULES AND REGULATIONS GOVERNING THE SUBDIVISION OF LAND.

Ms. Davies provided the Board with an update on the ordinance/regulations project with Horsley Witten Group.

All the correspondence was reviewed.

The meeting adjourned at 9:00 p.m.

Aurelio G. Almeida
Superintendent of Parks & Forestry
Insect pest control
3:13, 3:18



Densely Dev. Area



**CITY OF ATTLEBORO
NOTICE OF PUBLIC HEARING**

FOR DENSELY DEVELOPED AREA DESIGNATION

Pursuant to the Massachusetts Wetlands Protection Act (MGL ch.131 §40 as amended by St. 1996 ch.258) and the regulations governing and designation of Densely Developed Areas (301 CMR 10.00), the City of Attleboro hereby provides notice of a Public Hearing on Wednesday, **April 1, 2009 at 7:30 p.m.**, in the **Council Chambers of City Hall, 77 Park Street, Attleboro** relative to the proposed designation of a Densely Developed Area in the City of Attleboro, as described below.

The proposed Densely Developed Area comprises an area of downtown Attleboro along the Ten Mile River generally bounded on the north by Hayward Street and North Main Street; on the east by South Main Street, the Amtrak/MBTA railroad tracks, Olive Street, and Ellis Street; on the south by Lamb Street and Thatcher Street; and on the west by John Williams Street, Summer Street, Robert Street, Sadler Street, East Fourth Street, County Street, Riverbank Road, and Hodges Street.

A Public Hearing on the proposed Densely Developed Area will be held on **April 1st, 2009 at 7:30 p.m.** in the City Council Chambers of Attleboro City Hall. All persons interested are welcome to attend the public hearing at the time and place designated above.

Kevin J. Dumas
Mayor
3:18



200712-1307 - Casey

NOTICE OF MORTGAGEE'S SALE OF REAL ESTATE

By virtue and in execution of the Power of Sale contained in a certain mortgage given by James A. Casey to New Century Mortgage Corporation, dated September 1, 2006 and recorded with the Bristol County (Northern District) Registry of Deeds at Book 16175, Page 149, of which mortgage Deutsche Bank National Trust Company, on Behalf of Morgan Stanley ABS Capital I Inc. Trust 2007-NC1, Mortgage Pass-Through Certificates, Series 2007-NC1 is the present holder, for breach of the conditions of said mortgage and for the purpose of foreclosing, the same will be sold at Public Auction at 1:00 p.m. on April 9, 2009, on the mortgaged premises located at 163 Kelley Boulevard, North Attleboro, Bristol County, Massachusetts, all and singular the premises described in said mortgage,
TO WIT:

**CITY OF ATTLEBORO
NOTICE OF PUBLIC HEARING
FOR
DENSELY DEVELOPED AREA DESIGNATION**

Pursuant to the Massachusetts Wetlands Protection Act (MGL ch.131 §40 as amended by St. 1996 ch.258) and the regulations governing the designation of Densely Developed Areas (301 CMR 10.00), the City of Attleboro hereby provides notice of a Public Hearing on Wednesday April 1, 2009, 6:30p.m. relative to the proposed designation of a Densely Developed Area in the City of Attleboro, as described below.

The proposed Densely Developed Area comprises an area of downtown Attleboro along the Ten Mile River generally bounded on the north by Hayward Street and North Main Street; on the east by South Main Street, the Amtrak/MBTA railroad tracks, Olive Street, and Ellis Street; on the south by Lamb Street and Thacher Street; and on the west by John Williams Street, Summer Street, Robert Street, Sadler Street, East Fourth Street, County Street, Riverbank Road, and Hodges Street.

The purpose of the Densely Developed Area is to focus and encourage reuse and development within already disturbed areas that are served by existing infrastructure such as municipal water, sewer and roadways. The Densely Developed Area will also help to encourage more environmentally sustainable transportation options such as public mass transit or bicycling as the density of development makes them more feasible. The Densely Developed Area would reduce the 200 foot Riverfront Area regulatory zone to a 25 foot Riverfront Area regulatory zone in order to accommodate the reuse and infill (re)development goals of the Commonwealth's Executive Office of Energy and Environmental Affairs while maintaining environmental protection.

A Public Hearing on the proposed Densely Developed Area will be held on April 1st, 2009 at 6:30 p.m. in the City Council Meeting Room of the Attleboro City Hall. All persons interested are welcome to attend the public hearing at the time and place designated above.

Kevin J. Dumas
Mayor

PLEASE BILL TO CITY OF ATTLEBORO 223-2222
PLEASE RUN ADVERTISEMENT ON

Description of Proposed DDA Geographical Area

The proposed DDA comprises an area of downtown Attleboro generally running along both the eastern and western banks of the Ten Mile River. The area is a heavily developed commercial, industrial, and residential portion of downtown Attleboro bisected by the Ten Mile River, which flows southerly through the center of the City. The proposed DDA includes the area bounded generally on the north by Hayward Street and North Main Street; on the east by South Main Street, the Amtrak/MBTA railroad tracks, Olive Street, and Ellis Street; on the South by Lamb Street and Thacher Street; and on the west by John Williams Street, John Williams Street, Summer Street, Robert Street, Sadler Street, East Fourth Street, County Street, Riverbank Road, and Hodges Street.

The DDA is more particularly described as follows: beginning at the easterly sideline of Hayward Street at its intersection with Hodges Street; thence running along the easterly sideline of Hayward Street to its intersection with North Main Street; thence along the southerly sideline of North Main Street and across its intersection with County Street to the intersection with South Main Street; thence along the westerly sideline of South Main Street directly across the intersection with Wall Street to its intersection with the New York New Haven and Hartford Railroad tracks (currently Amtrak and MBTA rail); thence along the westerly sideline of said railroad tracks directly across its intersection with Olive Street; thence along the southerly sideline of Olive Street directly across the Amtrak/MBTA railroad tracks to its intersection with Ellis Street; thence along the westerly sideline of Ellis Street directly across Clarence Street to its intersection with Lamb Street; thence along the northerly sideline of Lamb Street directly across the Ten Mile River to its intersection with Thacher Street; thence along the northerly sideline of Thacher Street directly across the Amtrak/MBTA railroad tracks to its intersection with John Williams Street; thence along the easterly sideline of John Williams Street directly across its intersection with Summer Street; thence along the northerly sideline of Summer Street to its intersection with Robert Street; thence along the easterly sideline of Robert Street directly across the intersection with Olive Street to its intersection with Sixth Street; thence running 60 feet along the southerly sideline of Sixth Street; thence northerly directly across Sixth Street and to the easterly sideline of Sadler Street; thence along the easterly sideline of Sadler Street directly across its intersection with East Fourth Street; thence along the northerly sideline of East Fourth Street to its intersection with County Street; thence along the easterly sideline of County Street directly across the intersection with Wall Street to its intersection with Riverbank Road; thence directly across County Street and along the northerly sideline of Riverbank Road to its intersection with Hodges Street; thence along the northerly sideline of Hodges Street directly across the Ten Mile River to its intersection with Hayward Street and the point of beginning.

Character of Activities and Land Use

The proposed DDA is a highly developed and intensively utilized portion of Attleboro. Within its boundaries, the land has historically been utilized for industrial and commercial purposes with several relatively small pockets residential (primarily multi-family) usage. The proposed DDA comprises an estimated 126 acres of land containing approximately 55% industrial/vacant former industrial properties, approximately 31% business properties, and approximately 14% residential properties.

The proposed DDA comprises portions of four Assessor's Plats (31, 32, 33 & 35) and these maps present a logical and convenient means of describing the Area.

Assessor's Plat No. 31

The northern most portion of the proposed DDA is located within Assessor's Plat No. 31. This area is located entirely within the City's Central Business District and is generally bounded by Hayward Street, North Main Street, South Main Street, Wall Street, County Street, Riverbank Road and a small portion of Hodges Street. The vast majority of land usage within this portion of the proposed DDA is industrial and commercial, including commercial office buildings along Hayward Street; commercial retail and office buildings as well as associated impervious parking areas located along North Main and County Streets; and industrial properties located along South Main Street and Riverbank Road. Two institutional properties are also located within this portion of the proposed DDA. These properties include the main branch of the Attleboro Public Library located on North Main Street and the Larsen Senior Center located on South Main Street. Three residential properties are also located within this portion of the Area. The residential properties include two dwellings on Hayward Street as well as a recently constructed assisted living facility located on South Main Street. This facility is located on a property that was historically utilized for industrial purposes. One parcel that meets the definition of Vacant per 301 CMR 10.05(3) is the Balfour Riverwalk Park located along the banks of the Ten Mile River north of County Street. This parcel contains approximately three acres of land that was the former location of the Balfour Company. The Balfour Company occupied the site for almost sixty years, until 1996, and utilized the property for jewelry manufacturing operations. In 1997, the facility was vacated and the City of Attleboro acquired title to the property. In 1997, the City through the use of state grant funds and local appropriations demolished all existing buildings and created a linear park along the length of the site for public use and enjoyment.

Assessor's Plat No. 32

The central portion of the proposed DDA is located within Assessor's Plat No. 32. The vast majority of this area is located within an Industrial zoning district, with smaller portions zoned as General Residence A, or General Business. This portion of the Area is generally bounded by Wall Street, a small portion of South Main Street, the New York New Haven and Hartford Railroad tracks (currently Amtrak and MBTA rail), Olive Street, a portion of Robert Street, Sadler Street, East Fourth Street, and County Street. A large segment of this portion of the proposed DDA is characterized by industrial and commercial land uses, including Industrial facilities along Wall Street and its intersection with County Street, and Industrial and commercial buildings located along Olive Street and Robert Street. This portion of the proposed DDA also contains a large amount of institutional land usage. Institutional land usage includes a large MBTA commuter parking lot located adjacent to the railroad tracks. Additional institutional land is occupied by the City of Attleboro, Department of Public Works facility, located south of Wall Street along the banks of the Ten Mile River. Residential segments of this portion of the DDA consist of a mixture of multi- and single-family dwellings as well as condominium buildings located along portions of County Street, East Fourth Street, Sadler Street and Sixth Street.

Assessor's Plat No. 33

The southern portion of the proposed DDA is bisected by the Amtrak/MBTA railroad tracks and the portion located west of these tracks is included entirely within Assessor's Plat No. 33. The vast majority of this area is located within an Industrial zoning district, with one relatively small portion zoned as General Residence A. This portion of the proposed DDA is generally bounded by: Olive Street, the Amtrak/MBTA railroad tracks, Thatcher Street, John Williams Street, Summer Street, and a portion of Robert Street.

The majority of this portion of the proposed DDA is characterized by industrial land uses (83%), including industrial facilities along Olive and John Williams Streets. A small segment of this portion of the Area is identified as institutional land including three parcels owned by the MBTA adjacent to the railroad tracks. Residential segments of this portion of the DDA consist of a mixture of multi- and single-family dwellings located along Summer and Robert Streets.

Assessor's Plat No. 35

The southern portion of the proposed DDA is bisected by the Amtrak/MBTA railroad tracks and the portion located east of these tracks is included entirely within Assessor's Plat No. 35. The majority of this area is located within Industrial or Planned Highway Business zoning districts, with a relatively small portion zoned as General Residence A. This portion of the Area is generally bounded by Olive Street, Ellis Street, Lamb Street, and the Amtrak/MBTA railroad tracks. The large segment of this portion of the proposed DDA is characterized by commercial land usage, including a retail commercial shopping center located off Olive Street along a portion of Ellis Street. A relatively small segment of this portion of the Area is identified as residential land including single-family dwellings located along a portion of Ellis and Lamb Streets. One parcel of vacant industrial land occupies a majority (55%) of this portion of the Area along Lamb Street and the banks of the Ten Mile River. This area meets the definition of Vacant per 301 CMR 10.05(3) as it was historically occupied by the APCO Mossberg Company from approximately the early 1920's through 1987 when the facility was destroyed by fire. This parcel contains approximately 13 acres of land that currently remains vacant, industrially zoned land. The City of Attleboro has been working with the property owner in recent years to redevelop the property and conduct a "Brownfield" cleanup at the site.

City of Attleboro



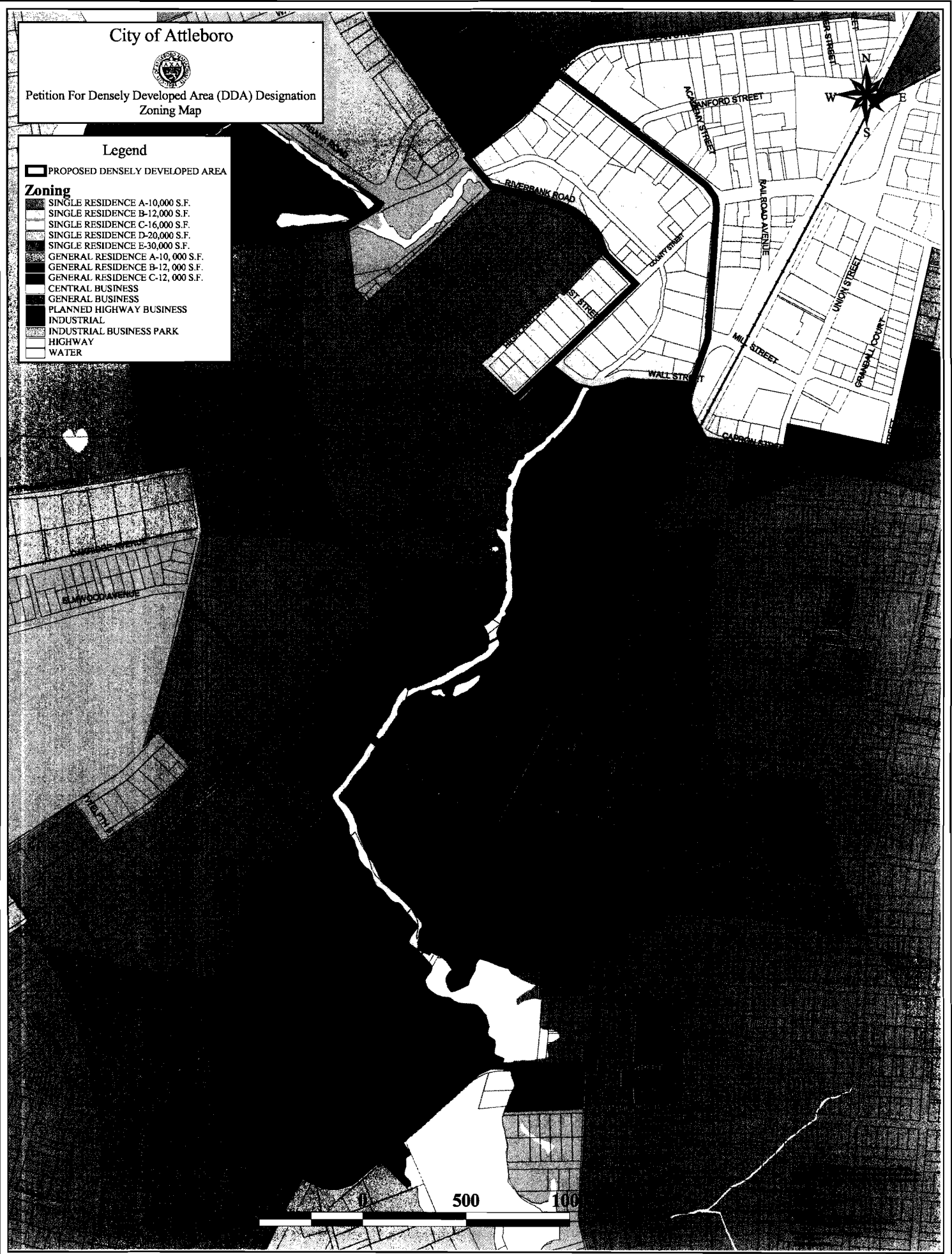
Petition For Densely Developed Area (DDA) Designation Zoning Map

Legend

PROPOSED DENSELY DEVELOPED AREA

Zoning

- SINGLE RESIDENCE A-10,000 S.F.
- SINGLE RESIDENCE B-12,000 S.F.
- SINGLE RESIDENCE C-16,000 S.F.
- SINGLE RESIDENCE D-20,000 S.F.
- SINGLE RESIDENCE E-30,000 S.F.
- GENERAL RESIDENCE A-10,000 S.F.
- GENERAL RESIDENCE B-12,000 S.F.
- GENERAL RESIDENCE C-12,000 S.F.
- CENTRAL BUSINESS
- GENERAL BUSINESS
- PLANNED HIGHWAY BUSINESS
- INDUSTRIAL
- INDUSTRIAL BUSINESS PARK
- HIGHWAY
- WATER






City of Attleboro



Petition For Densely Developed Area (DDA) Designation Site Locus Map

LEGEND

-  25' RIVER FRONT AREA
-  200' RIVER FRONT AREA
-  PROPOSED DENSELY DEVELOPED AREA

TOTAL D.D.A AREA - 126.45 ACRES
25' RIVER PROTECTION BUFFER - 14.49 ACRES
200' RIVER FRONT AREA - 64.37 ACRES



City of Attleboro

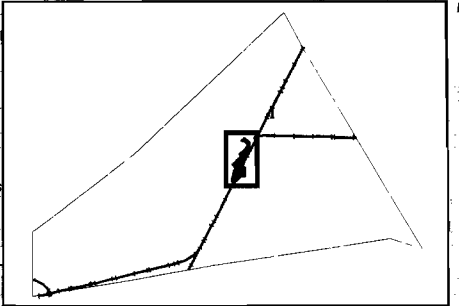
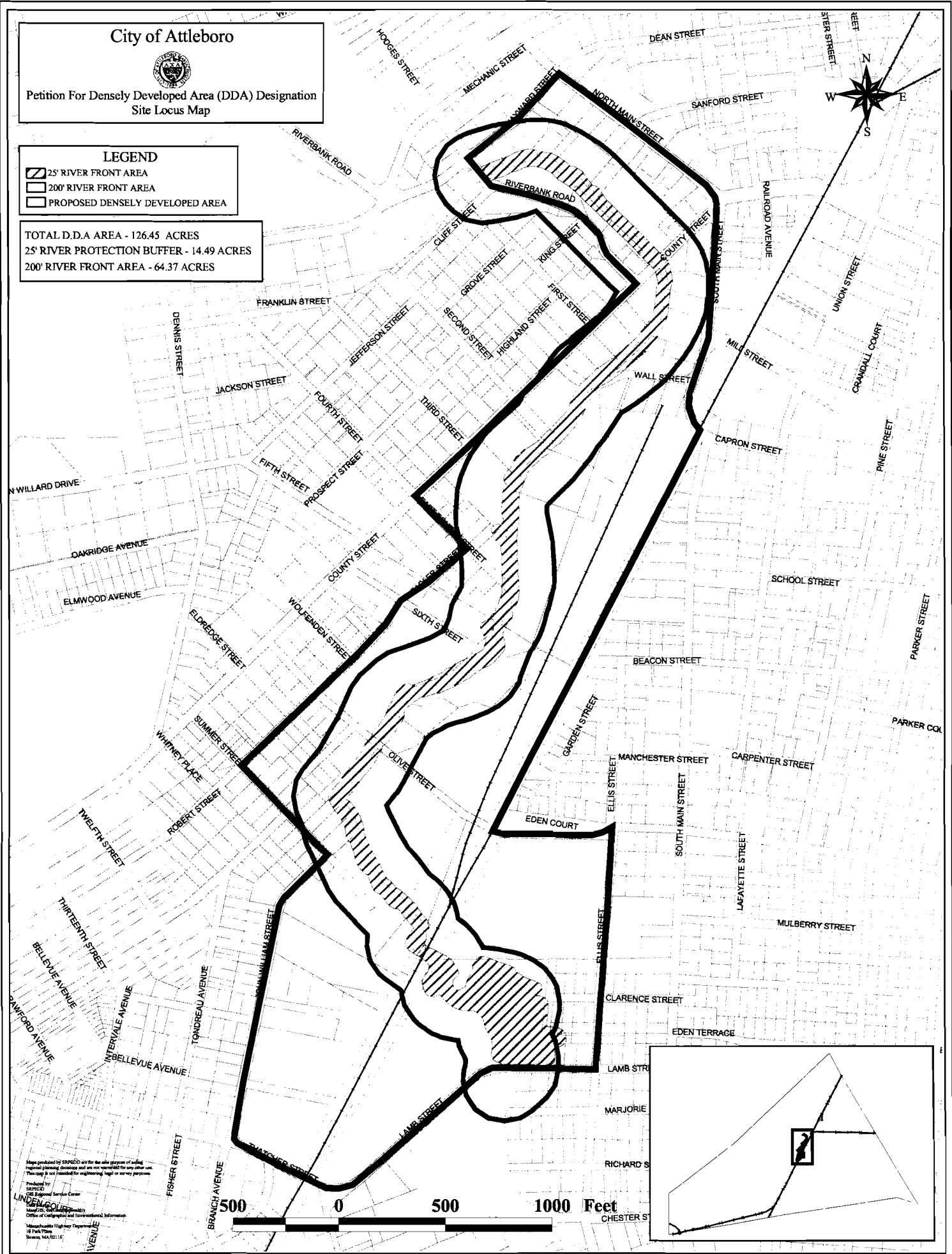
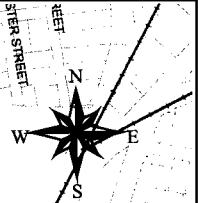


Petition For Densely Developed Area (DDA) Designation
Site Locus Map

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- 25' RIVER FRONT AREA
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Map 2010, East Attleboro, MA
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